

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-20585

Hon. Gerald E. Rosen

PETER HENDRICKSON,

Defendant.

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**ORDER VACATING  
ORDER TO SHOW CAUSE**

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on May 17, 2012

PRESENT: Honorable Gerald E. Rosen  
Chief Judge, United States District Court

By order dated April 5, 2012, the Court instructed Defendant and his counsel to be prepared to address a particular issue at a forthcoming resentencing hearing — namely, “whether Defendant’s offense level and resulting sentencing range under the U.S. Sentencing Guidelines should reflect a two-level increase under § 3C1.1 of the Guidelines for conduct that constituted a willful obstruction or attempted obstruction of the administration of justice.” (4/5/2012 Order at 5.) In accordance with this order, Defendant and his counsel addressed this issue at a May 15, 2012 resentencing hearing, as

well as in a sentencing memorandum filed shortly before this hearing.<sup>1</sup> Having considered the arguments of counsel on this issue at the May 15 hearing, and having reviewed the sentencing memorandum and accompanying materials submitted by Defendant in connection with this issue, the Court has determined, for the reasons stated on the record at the May 15 hearing, that a two-level increase under § 3C1.1 of the Guidelines would not be appropriate. Accordingly, having now addressed and resolved this matter,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Court's April 5, 2012 order to show cause is VACATED.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: May 17, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 17, 2012, by electronic and/or ordinary mail.

s/Ruth A. Gunther  
Case Manager

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<sup>1</sup>As discussed at the May 15 hearing, Defendant's May 11, 2012 sentencing memorandum was accompanied by an exhibit that inadvertently disclosed the CM/ECF username and password of one of Defendant's attorneys. In response to this discovery, the password for the attorney's CM/ECF account has been changed, and the Court has ordered that the exhibits accompanying Defendant's sentencing memorandum be placed under seal. However, because these exhibits generally are not subject to filing under seal, and because the concern identified at the May 15 hearing may be remedied through a more limited redaction of the username and password disclosed on a single page of Exhibit C to Defendant's May 11, 2012 sentencing memorandum (*i.e.*, the page identified with Bates No. 63), counsel for Defendant is instructed to re-file the exhibits to the sentencing memorandum with this specific information redacted.